

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Masjid Malcom Shabazz House of
Worship, Inc.,

Case No. 19-11823

Plaintiff,

v.

Judith E. Levy
United States District Judge

City of Inkster and Mark Minch, Mag. Judge Mona K. Majzoub

Defendants.

/

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION
SEEKING LEAVE TO AMEND COMPLAINT [14]**

Plaintiff Masjid Malcom Shabazz House of Worship, Inc. is suing Defendants—Inkster Building Official Mark Minch and the City of Inkster, Michigan—for unlawfully designating Plaintiff's properties for demolition in violation of Plaintiff's statutory and constitutional rights. (ECF No. 1, PageID.12-17.) Plaintiff filed this complaint in the Wayne County Circuit Court on February 20, 2019. (ECF No. 9-2, PageID.185) Defendants removed the case to this Court on June 19, 2020. (ECF No. 9-8, PageID.231.)

On November 2, 2019, Plaintiff moved to amend her complaint to add a civil conspiracy charge “based on the new information obtained since the filing of the original complaint.” (ECF No. 14, PageID.352.) Because Plaintiff moved to amend her complaint more than 21 days after serving it, Plaintiff needs the consent of either the Court or the opposing party. *See Fed. R. Civ. P.* 15(a)(2). Plaintiff does not allege that Defendants gave their consent to amend the complaint. Therefore, Plaintiff needs the consent of the Court to amend. *Id.*

When a party seeks to amend its complaint pursuant to Fed. R. Civ. P. 15(a)(2), the Court “should freely give leave when justice so requires.” Absent “any apparent or declared reason” to deny leave, “such as undue delay, bad faith, or dilatory motive[,]” “this mandate is to be heeded.” *Foman v. Davis*, 371 U.S. 178, 182 (1962). In the two weeks since Plaintiff filed this motion seeking leave to amend, Defendant has not filed an objection. Because there is no “apparent or declared reason” to deny leave, this Court GRANTS Plaintiff’s motion for leave to amend its complaint.

IT IS SO ORDERED.

Dated: November 18, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 18, 2019.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager